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PTO/SB/21 (09-04)

Approved for use through 7/31/2006

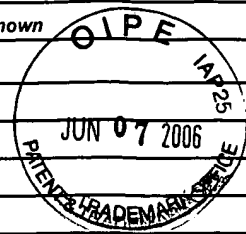
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/649,335	
		Filing Date	August 26, 2003	
		First Named Inventor	Michiel Lotter	
		Art Unit	2637	
		Examiner Name	Young Toi Tse	
		Attorney Docket Number	16133US02	
Total Number of Pages in This Submission		23		
<b>ENCLOSURES (check all that apply)</b>				
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD		<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
		Remarks	Transmittal Form (1 page) Request to Correct Errors in Small Entity Status and to Excuse Errors Related to Claiming Small Entity Status (20 pages)	
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>				
Firm or Individual Name	McAndrews Held & Malloy, Ltd.			
Name (Print/type)	Michael T. Cruz	Registration No. (Attorney/Agent)	44,636	
Signature	<i>Michael T. Cruz</i>		Date: June 7, 2006	
<b>EXPRESS MAIL DEPOSIT</b>				
"Express Mail" mailing label number : EV 726844374 US				
Date of Deposit June 7, 2006.				

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>FEE TRANSMITTAL</b> <b>for FY 2006</b>		Complete if Known	
		Application Number	10/649,335
		Filing Date	August 26, 2003
		First Named Inventor	Michiel Lotter
		Examiner Name	Young Toi Tse
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2637
		Attorney Docket No.	16133US02



**Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818).**

**METHOD OF PAYMENT (check all that apply)**

☐ Check 
 ☐ Credit Card 
 ☐ Money Order 
 ☐ None 
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

☒ Charge Fee(s) indicated below 
 ☐ Charge Fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fees(s) under 37 CFR 1.16 and 1.17 
 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee(\$)	Fee Paid (\$)
-20 or HP	x	=	
HP = highest number of total claims paid for, if greater than 20			
Indep. Claims	Extra Claims	Fee(\$)	Fee Paid (\$)
-3 or HP	x	=	
HP = highest number of independent claims paid for, if greater than 3			

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
-100	/50	(round up to a whole number)		

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \$1,095.00 - deficiency fee

**SUBMITTED BY**

Signature	<u>Michael T. Cruz</u>	Registration No. (Attorney/Agent)	<u>44,636</u>	Telephone	<u>(312)775-8000</u>
Name (print/type)	<u>Michael T. Cruz</u>	Date	<u>June 7, 2006</u>		

06/09/2006 TBESHAH2 00000000 130017 0649335  
 Sale Ref: 00000000 Fee(\$): 1300 Fee(\$): 10649335  
 01 FC:1501 1500.00 DA 25  
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 Multiple Dependent Claims  
 Fee Fee Paid (\$)  
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 05/25/2006 TBESHAH2 00000000 130017 0649335  
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 10649335



Attorney Docket No.: 16133US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Michiel Lotter et al.

Serial No.: 10/649,335

Filed: August 26, 2003

For: ADAPTIVE PILOT INTERFERENCE  
CANCELLATION IN CDMA  
SYSTEMS

Examiner: Young Toi Tse


Group Art Unit: 2637

Conf. No.: 4554

Cust. No.: 23446

U.S.P.S. EXPRESS MAIL MAILING  
LABEL NO. EV 726 844 374 US

Dated: JUNE 7, 2006

  
Michael T. Cruz  
Reg. No. 44,636

06/09/2006 TBESHAH2 00000007 130017 10649335  
01 FC:1501 1400.00 DA

**REQUEST TO CORRECT ERRORS IN SMALL ENTITY STATUS AND TO EXCUSE  
ERRORS RELATED TO CLAIMING SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that any errors related to claiming small entity status be excused by the United States Patent and Trademark Office (USPTO) as set forth in at least 37 C.F.R. § 1.28(c) and M.P.E.P. § 509.03.

Appln. No. 10/649,335  
Request to Correct Errors in Small Entity Status and to Excuse  
Errors Related to Claiming Small Entity Status dated June 7, 2006

On May 24, 2006, Applicants, via Applicants' representative, Michael T. Cruz, Reg. No. 44,636, signed and dated the issue/publication fee payment transmittal, namely, the "Part B - Fee(s) Transmittal" in the above-identified case.

May 24, 2006 is the due date indicated on the Part B - Fee(s) Transmittal.

In error, Applicants made no changes with respect to small entity status in the Part B - Fee(s) Transmittal.

The USPTO successfully received the executed Part B - Fee(s) Transmittal on May 24, 2006, and promptly charged the small-entity issue fee and the publication fee (i.e., the USPTO charged \$700 for the small-entity issue fee and \$300 for the publication fee) as set forth in the Part B - Fee(s) Transmittal.

Upon review after the above-identified due date, Applicants discovered an error in that Applicants should have (1) noted on the Part B - Fee(s) Transmittal that the assignee, Broadcom Corporation of Irvine, California, is not a small entity and changed the small-entity issue fee; (2) checked the box indicating that Applicants are no longer claiming small entity status; and (3) paid the large entity issue fee of \$1400 instead of the small entity issue fee of \$700 as well as any other deficiency fees due related to claiming small entity status.

Applicants had no intention of deceiving the USPTO with this oversight and respectfully request that any errors related to claiming small entity status be excused.

37 C.F.R. § 1.28(c) is set forth below, in relevant part:

*(c) How errors in small entity status are excused.* If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

*(1) Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency

payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments (e.g., checks) and itemizations are required for each application or patent. See § 1.4(b).

(2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

On January 16, 2004, Applicants asserted in good faith that the previous assignee, Zyray Wireless, Inc. of San Diego, California, was entitled to small entity status.

Applicants respectfully submit that all fees as a small entity were paid in good faith.

Subsequent to the good-faith assertion of entitlement to small entity status of January 16, 2004, but before the payment of the issue/publication fee on May 24, 2006, Broadcom Corporation became the present assignee. Broadcom Corporation is not a small entity.

Applicants should have notified the USPTO that the present assignee is not a small entity and paid large-entity fees.

Applicants respectfully submit that, after the payment of the small-entity issue fee and after the due date indicated in the Part B - Fee(s) Transmittal, Applicants discovered that through Applicants' error the USPTO was not notified of a loss of entitlement to small entity status as set forth in 37 C.F.R. § 1.27(g)(2) and that one or more fee deficiencies existed as a result.

Applicants respectfully request that the USPTO excuse Applicants of any errors related to claiming small entity status as set forth in 37 C.F.R. § 1.28(c), for example.

In compliance with 37 C.F.R. § 1.28(c)(1), Applicants respectfully submit this paper which is a separate submission only for the above-identified patent application or patent.

In compliance with 37 C.F.R. § 1.28(c)(2), Applicants respectfully authorize the Commissioner to charge to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017, any fee owed (e.g., fee deficiencies) or any other additional fees resulting from errors related to claiming small entity status.

Appln. No. 10/649,335  
Request to Correct Errors in Small Entity Status and to Excuse  
Errors Related to Claiming Small Entity Status dated June 7, 2006

In further compliance with 37 C.F.R. § 1.28(c)(2), Applicants respectfully submit an itemization of the deficiency payment:

(1) Issue Fee Payment Deficiency: Applicants paid a small-entity fee of \$700 on May 24, 2006. Applicants should have paid \$1400. Applicants have an issue-fee payment deficiency of \$700.

(2) RCE Fee Payment Deficiency: In a Request for Continued Examination (RCE) Transmittal dated June 10, 2005, Applicants requested that the Director charge the "RCE fee required under 37 C.F.R. 1.17(e)". Therefore, Applicants presumably paid a small-entity fee of \$395 on June 10, 2005. Applicants should have paid \$790. Applicants have an RCE fee payment deficiency of \$395.

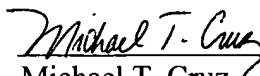
Applicants respectfully submit that the total payment deficiency is the sum of \$700 and \$395 which is \$1095. It is believed that the total deficiency payment should be \$1095.

Applicants respectfully enclose 37 C.F.R. §§ 1.27 and 1.28 and M.P.E.P. § 509.03 which may provide some, but not necessarily all, of the bases by which to excuse Applicants' errors.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: June 7, 2006

Respectfully submitted,

  
Michael T. Cruz  
Reg. No. 44,636

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Chicago, Illinois 60661  
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